

OFFICIAL COPY

Fresno, California

December 13, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Instead of an invocation President Dages read a poem about a soldier at war during Christmas time, and Councilmember Westerlund led the Pledge of Allegiance.

RESOLUTION OF COMMENDATION TO CHIEF DYER BY GENE JUNETT OF THE "PLAY IT SAFE" CHILD SAFETY PROGRAM

Read and presented.

PROCLAMATIONS TO FRESNO CHAFFEE ZOO CORPORATION BOARD MEMBERS - COUNCILMEMBER BOYAJIAN

Read and presented.

APPROVE MINUTES OF DECEMBER 6, 2005:

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the minutes of December 6, 2005, approved as submitted.

Councilmember Duncan wished Fire Chief Bruegman a happy 50th birthday.

COUNCIL MEMBER REPORTS AND COMMENTS:

CONCERN WITH FULTON SWAP MALL VENDOR(S) SELLING ILLEGAL, LIFE LIKE REPLICA HANDGUNS AND REQUEST STAFF LOOK INTO THAT ISSUE, ALONG WITH SALES TAXES NOT BE CHARGED - COUNCILMEMBER DUNCAN

Request made with City Attorney Montoy responding. Councilmember Sterling later thanked Councilmember Duncan for bringing this issue forth and stated since the swap mall was in her district she would follow through on the toy guy issue.

RETURN OF THE ARMY NATIONAL GUARD'S 729TH TRANSPORTATION COMPANY - COUNCILMEMBER WESTERLUND

Councilmember Westerlund welcomed the company back home from spending a year in Iraq and thanked them for their service and also extended a thank you to the police department and his office staff for their work/assistance in the coming home celebration.

(1) COMMENDATION TO CITY OF FRESNO ON THE HOLIDAY PARADE; (2) ANNOUNCEMENT OF THE 3RD ANNUAL TURKEY GIVEAWAY ON FRIDAY AT THE SOUTHWEST DISTRICT POLICING STATION; AND (3) ANNOUNCEMENT OF HOLIDAY DINNER AND TOY GIVEAWAY ON THURSDAY AT THE HINTON COMMUNITY CENTER - COUNCILMEMBER STERLING

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Commendation and announcements made.

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QUORUM FOR THE DECEMBER 20, 2005, COUNCIL MEETING

President Dages stated he wanted a roll call consensus on whether there would be a quorum and upon call six members stated they would be present for the meeting. Councilmember Calhoun clarified he would not be in attendance as the Council-approved meeting schedule originally called for no meeting that day and he made plans based on that schedule.

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APPROVE AGENDA:**(2-A) ANNUAL REVIEW AND ACCEPTANCE OF THE FY 2005 IMPACT FEE ANNUAL REPORT AS REQUIRED BY THE CALIFORNIA GOVERNMENT CODE**

Noting the size of the document and Council just receiving it on Friday, Councilmember Duncan requested the matter be held over to January 24th to allow time for adequate review adding he also had a couple of concerns that needed addressing. President Dages stated the matter would be rescheduled for January 10th and if it is found to be insufficient time it could be further continued to January 24th. Upon question of City Attorney Montoy, Public Works Director Healey stated the matter was not publicly noticed whereupon Ms. Montoy advised it needed to be legally noticed and added since it was not Council would not have been able to hear the matter this date. Councilmember Calhoun requested staff be more courteous in the future and give Council more time to review huge documents such as this. By consensus the matter was continued to January 10th, and possibly the 24th.

(1-N) RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5368 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTHEAST CORNER OF N. POLK AND THE W. INDIANAPOLIS AVENUE ALIGNMENT SOUTH OF THE W. GETTYSBURG AVENUE ALIGNMENT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE NECESSARY DOCUMENTS

Removed from the agenda at the request of staff/to be rescheduled for December 20, 2005.

(3:45 P.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-04-01, REZONE APPLICATION NO. R-04-03, AND ENVIRONMENTAL FINDINGS FILED BY THE STATE CENTER COMMUNITY COLLEGE DISTRICT AND CLOVIS UNIFIED SCHOOL DISTRICT, PROPERTY LOCATED ON THE E. INTERNATIONAL AVENUE ALIGNMENT BETWEEN N. WILLOW AND N. CHESTNUT AVENUES

1. RESOLUTION - ADOPTING FINDINGS
 2. RESOLUTION - AMENDING THE 2025 FRESNO GENERAL PLAN AND WOODWARD PARK COMMUNITY PLAN
 3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE ENTIRE 214 ACRES FROM AL-20 TO R-1/UGM
- (Ultimately continued to January 24, 2006, at 3:45 p.m.)*

Councilmember Westerlund stated he reviewed the EIR and the City of Fresno was not the lead agency on this matter but he wanted additional time for further review and requested it be laid over to January 10th. Councilmember Boyajian concurred noting four EIRs were delivered to Council last Friday and stated it was important that sufficient time be given for review. By Council consensus the matter was continued to January 10, 2006, at 3:45 p.m. (***Note* - During the afternoon session President Dages advised State Center Community College District officials would not be able to attend the January 10th meeting and action was taken to continue the hearing to January 24th.)

After the adoption of the Consent Calendar Councilmember Boyajian noted the project was already being built and questioned --since the City could not stop the project and was not the lead agency -- why Council was getting this volume of information, with City Attorney Montoy stating she would submit a memo to Council relative to what authority the City has.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the **AGENDA** hereby approved, as modified, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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ADOPT CONSENT CALENDAR:

(1-O) RESOLUTION - INTENT TO ANNEX FINAL TRACT NO. 5357 AS ANNEXATION NO. 1 TO CFD NO. 11 AND SETTING THE REQUIRED PUBLIC HEARING

Upon the request of Jeff Roberts the above Item **1-O** was laid over to January 10, 2006.

Councilmember Sterling pulled item **1-A**, Councilmember Westerlund pulled item **1-B**, and Councilmember Calhoun pulled Items **1-C**, **1-L**, **1-T** and **1-W** from the Consent Calendar for discussion/action at 2:00 p.m.

(1-D) RESOLUTION NO. 2005-509 - DEDICATING CERTAIN CITY-OWNER PROPERTY ON E. BELMONT AVENUE EAST OF N. SUNNYSIDE FOR PUBLIC STREET PURPOSES

(1-E) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BLAIR, CHURCH & FLYNN CONSULTING ENGINEERS IN THE AMOUNT OF \$231,500 FOR THE PREPARATION OF PLANS AND GENERAL CONSTRUCTION DOCUMENTS FOR THE WIDENING OF HERNDON AVENUE BETWEEN STATE ROUTE 99 AND WEBER AVENUE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-F) APPROVE AN AGREEMENT WITH BOYLE ENGINEERING CORPORATION FOR THE DESIGN OF A DRYING BED CONTAINMENT SYSTEM AT THE SURFACE WATER TREATMENT FACILITY (SWTF)

(1-G) APPROVE APPOINTMENT OF ELITANIA CALDERON TO THE EDISON MERGER II PROJECT AREA PLANNING ADVISORY COMMITTEE - COUNCILMEMBER STERLING; AND REAPPOINTMENT OF AL GRACE TO THE FRESNO-MADERA AREA AGENCY ON AGING BOARD OF DIRECTORS AND APPOINTMENT OF KRISTI LAWRENCE TO THE FRESNO MOSQUITO AND VECTOR CONTROL DISTRICT - MAYOR AUTRY

(1-H) AWARD A CONTRACT FOR THE ACOUSTICAL TREATMENT OF 31 HOMES (SMART PROGRAM) AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TO TRON CONSTRUCTION, INC., FOR THE AMOUNT OF \$559,200

(1-I) AWARD A CONTRACT FOR THE CONSTRUCTION OF A CANOPY FOR THE FEDERAL INSPECTION STATION (FIS) AT FRESNO YOSEMITE INTERNATIONAL AIRPORT TO DIAZ CONSTRUCTION IN THE AMOUNT OF \$102,000

(1-J) AWARD A CONTRACT FOR THE PURCHASE AND INSTALLATION OF TWO X-RAY MACHINES FOR THE FEDERAL INSPECTION STATION (FIS) AT FRESNO YOSEMITE INTERNATIONAL AIRPORT TO RAPISCAN SECURITY PRODUCTS, INC., IN THE AMOUNT OF \$70,184

(1-K) APPROVE THE AGREEMENT WITH CARTER BURGESS, INC., IN THE AMOUNT OF \$402,600, TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR THE FIRST PHASE OF DESIGN AND DEVELOPMENT OF A CONSOLIDATED RENTAL CAR FACILITY AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT

(1-M) RESOLUTION NO. 2005-510 - AUTHORIZING THE PURCHASING MANAGER TO ACQUIRE SURPLUS PROPERTY, NOT TO EXCEED THE CURRENT FORMAL BID LIMIT, FOR VARIOUS CITY DEPARTMENTS FROM THE STATE OF CALIFORNIA FEDERAL SURPLUS PERSONAL PROPERTY PROGRAM FOR A THREE (3) YEAR PERIOD

(1-P) RESOLUTION NO. 2005-511 - INTENT TO ANNEX FINAL TRACT NO. 5171 AS ANNEXATION NO. 104 TO CFD NO. 2 AND TO AUTHORIZE LEVY OF SPECIAL TAXES, AND SETTING THE REQUIRED PUBLIC HEARING

(1-Q) RESOLUTION NO. 2005-512 - INTENT TO ANNEX FINAL TRACT NO. 5285 AS ANNEXATION NO. 106 TO CFD NO. 2 AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING THE REQUIRED PUBLIC HEARING

(1-R) RESOLUTION NO. 2005-513 - INCREASING THE CITY'S CONTRIBUTION FOR HEALTH AND WELFARE COVERAGE FOR ELECTED OFFICIALS (MAYOR AND CITY COUNCIL MEMBERS) TO A PERCENTAGE COMPARABLE WITH CITY EMPLOYEE GROUPS (CONSISTENT WITH THE ADOPTED MOU AND SALARY RESOLUTION), EFFECTIVE JANUARY 1, 2006

(1-S) RESOLUTION NO. 2005-514 - 13TH AMENDMENT TO SALARY RES. 2005-290 ADDING A PROGRAM COMPLIANCE OFFICER POSITION IN THE COMMUNITY SANITATION DIVISION, EFFECTIVE DECEMBER 19, 2005

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(1-U) RESOLUTION NO. 2005-515 - 16TH AMENDMENT TO PAR 2005-287 ADDING SIX (6) WASTE COLLECTOR LEADWORKER POSITIONS IN THE SOLID WASTE MANAGEMENT DIVISION TO FULFILL STATE-MANDATED COMMERCIAL RECYCLING REQUIREMENTS

1. RESOLUTION NO. 2005-516 - 44TH AMENDMENT TO AAR 2005-286 APPROPRIATING \$1,107,200 FOR THE EXPANSION OF MANDATORY COMMERCIAL RECYCLING

(1-V) RESOLUTION NO. 2005-517 - CHANGING THE DATE FOR SELECTION OF THE COUNCIL PRESIDENT AND ACTING COUNCIL PRESIDENT FROM JANUARY 3, 2006, TO JANUARY 10, 2006 (due to cancellation of 1/3/06 meeting)

(2 - 0) On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED ORAL COMMUNICATIONS:

OFFICIAL SPOKESPERSONS FOR THE POLICE DEPARTMENT, FIRE DEPARTMENT AND MAYOR - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian stated he did not recall funds being allocated in the budget for the positions and questioned where the funding was coming from, with City Manager Souza responding. Councilmember Calhoun stated he shared the same concern and felt the city was "going crazy" with spokespersons and added he would address the matter in next year's budget.

(1) REQUEST STAFF TO PROVIDE STATUS REPORT AT THEIR CONVENIENCE ON THE SANTA FE DEPOT REHABILITATION PROJECT RELATIVE TO TYING UP LOOSE ENDS AND MONIES INVOLVED; AND (2) PUBLIC POLICY INSTITUTE OF CALIFORNIA ARTICLE ENTITLED "ARE BUSINESSES FLEEING THE STATE" - COUNCILMEMBER CALHOUN

(1) Request made; and (2) Councilmember Calhoun spoke to the importance of jobs, read a few paragraphs of the article into the record, and stated he felt the article was worthy of staff looking at it.

(2-B) CONSIDER ENVIRONMENTAL FINDINGS AND AWARD OF AN INTERIM CONTRACT FOR THE BENEFICIAL REUSE OF A PORTION OF THE CITY'S BIOSOLIDS

1. RESOLUTION NO. 2005-518 - MAKING NECESSARY PUBLIC HEALTH AND SAFETY FINDINGS UNDER CEQA GUIDELINES EXEMPTING AWARD OF AN INTERIM CONTRACT BASED ON EMERGENCY

2. AWARD AN INTERIM CONTRACT TO MCCARTHY FARMS FOR THE BENEFICIAL REUSE OF A PORTION OF THE CITY'S BIOSOLIDS

Interim Public Utilities Director Weimiller reviewed the issue, all as contained in the staff report as submitted, recommended approval so staff could perform some necessary CEQA work during the six month period, and responded to questions of Councilmembers Duncan and Westerlund relative to what the plans were for a permanent solution, if the biosolids would be sent to Kern county, if this was a continuation of a current contract, if the material will be treated the same way, and if no issue was anticipated with the process. A motion and second was made to approve staff's recommendation.

Discussion ensued with Mr. Weimiller and City Attorney Montoy responding to questions and comments of Councilmembers Boyajian and Calhoun at length relative to CEQA, the importance of conducting a full analysis, if an analysis was going to be done now or in the future to determine what was coming in, if consultants would be brought to analyze the material, a long-term plan, if burning the material was being looked at, a six month contract not being a good way of doing business, why staff was recommending 6 months versus

12 to 18 months, if 6 months was enough time to do everything that needed to be done, concern that staff will not have a plan in place in 6 months and return asking for another extension, and encouraging staff to return with something viable so this will not happen again.

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On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-518 hereby adopted, and a six month interim contract awarded to McCarthy Family Farms for the beneficial reuse of a portion of the City's biosolids, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Westerlund, Dages
Noes :	Sterling
Absent :	None

Visiting students from Powers-Ginsburg Elementary School were recognized and welcomed.

(3-A) REQUEST STAFF TO MEET WITH PUBLIC SCHOOL DISTRICTS AND PRIVATE HIGH SCHOOLS WITHIN THE CITY TO INCREASE THE NUMBER OF STUDENTS ATTENDING POST-SECONDARY EDUCATION - COUNCILMEMBERS CALHOUN AND PEREA

Councilmember Calhoun read the memo as submitted by himself and Councilmember Perea into the record which included the action they were requesting Council to take, made a motion to approve the request (which was seconded by Councilmember Perea), displayed a chart on the overhead from the Campaign for College Opportunity showing regional and state-wide statistics on the number of students who go on to post-secondary education, and clarified by approving this the City was in no way telling the K-12 school systems what to do but was asking what the city of Fresno could do to help and encourage graduates to move along into college. Councilmember Perea thanked the Mayor for his leadership in bringing the issue of education to City Hall, stated when approached on this issue he felt it was a no-brainer, spoke to how the city of Los Angeles commissioned a dual commission with their school districts to identify where their city could be helpful in helping the education system meet their goals and also prepare the future workforce adding that what was trying to be done here, and noted he obtained some information from the Mayor's Education Office and stated it looked like they were heading in this same direction and requested Council's support.

Lengthy discussion ensued. Councilmember Boyajian stated the City's job was to provide jobs for people, he was supportive of working with Fresno Unified but not putting money into this, and the City could not do better than Fresno Unified and should not be meddling in their job. **(3 - 0)** Councilmember Duncan commended Councilmembers Calhoun and Perea for bringing this issue forth but stated he was unsure of what the end result would be, spoke to a Fresno Bee article by Larry Wilder on the lack vocational classes being provided in the area, stated the skills area was woefully overlooked and he felt it was a more critical area and further elaborated, and noted this issue did not address vocational ed at all and upon his questions Education Advocate Madrid and City Manager Souza spoke to the Mayor's position on this issue and vocational education. Councilmember Duncan stated the number one export in the city of Fresno was our children, there was a woeful lack of skilled students ready to go into the workforce in technical and trade areas, the vocational ed area was an area that would have tremendous payback for the city if it gets more kids trained, and upon his request Councilmember Calhoun stated he would not add vocational ed language into the motion as he and Councilmember Perea used those words a couple of times matter and added Fresno City College provided more vocational education than it does liberal arts education and further elaborated. Councilmember Westerlund stated his struggle was with jurisdiction and he was leery about venturing out into areas the City has no jurisdiction over, stated the city's job was to attract employers and for provide safety and infrastructure and further elaborated, and added the city had many other challenges and needs that haven't always been addressed such as Palm Lakes golf course, the Zoo and Camp Fresno.

Councilmember Perea stated he agreed with the city manager on the vocational issue and believed training students for college and training them for vocational jobs needed to be done at the same time, stated he also believed the City was more than just brick and mortar and it needed to do all it could to make sure every citizen has an opportunity to succeed, and stated this was an opportunity for the city to do more than what it is mandated to do and this was the start of a good game plan. Mr. Souza stated education was a foundational issue that crossed into public safety and it had a great impact on who the city was and what it does, and stated the Mayor has made it clear that the city is committed to assisting in being part of moving this forward. Councilmember Boyajian stated education was important to him also but stressed the city had big issues such as dirty air and urban sprawl and was not doing anything about them and spoke to the need to address those issues.

President Dages stated this was an easy issue for him to support, spoke briefly to the vocational school he had, and stated the

need was out there and working with Fresno Unified was the answer. Councilmember Sterling also expressed her support and offered the assistance of organizations in her district that have certification programs but no students to work with Fresno Unified or whomever to become more identified.

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On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, City staff requested to meet with school districts and private high schools within the city of Fresno to develop, if possible, a plan for increasing by 25% the number students who go on to higher education, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : None

(3-B) REQUEST FOR UPDATE ON THE TRANSITION OF LAIDLAW TO MV TRANSPORTATION THAT WILL OCCUR ON 12/17/05 - PRESIDENT DAGES

President Dages stated he was under the impression all 48 Laidlaw employees would be transferring over to MV and it was his understanding that number may be reduced to 32 to 35 employees and requested an update on that issue along with the level of service. Interim Transportation Director Grandison gave a update report and along with City Manager Souza and an MV Transportation representative responded to questions relative to the city taking on displaced drivers and the 48 full-time employees. President Dages stated he wanted in it the record that workers would not be displaced and would be hired by the city, whereupon City Attorney Montoy clarified employees would have to meet minimum qualifications for employment with the city or MV. There was no further discussion.

(10:00 A.M.) HEARING ON ADOPTION OF TEXT AMENDMENT NO. TA-05-02 AMENDING THE TEXT OF THE ZONING ORDINANCE RELATING TO THE RELOCATION OF SINGLE FAMILY HISTORIC BUILDINGS AND THE INTERIOR SIDE YARD SETBACK FOR KEY LOTS

1. BILL NO. B-147 - ORDINANCE NO. 2005-153 - ADOPTING TEXT AMENDMENT NO. TA-05-02 -

President Dages announced the time had arrived to consider the issue and opened the hearing. Planning & Development Director Yovino reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Doug Vagim expressed concerns stating it was a mistake to shove residential into an M - 1 district and recommended staff come back with overlay districts, and spoke briefly to a hearing for "L" Street property acquisition that was noticed for this date and removed and dealt with the genesis of this issue, with staff responding.

Upon call, no one else wished to be heard and President Dages closed the hearing.

A motion and second was made to adopt the ordinance. President Dages questioned if this amendment was being done mainly for the Chiliderian homes, with Mr. Yovino responding and also adding (1) this matter was presented to the Airport Land Use Commission who found it conformed to the three airport plans, and (2) the M - 1 district required a site plan review and neighboring issues and uses would be examined. President Dages stated he could not support this as the property owners did not want to sell and the rules were being changed for those properties.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-147 adopted as Ordinance No. 2005-153, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund
 Noes : Dages
 Absent : None

(10:10 A.M.) HEARING ON ADOPTION OF TEXT AMENDMENT NO. TA-05-02 AMENDING THE TEXT OF THE ZONING

ORDINANCE ADDING RESIDENTIAL/COMMERCIAL MIXED USE PROJECTS TO THE VARIOUS COMMERCIAL ZONE DISTRICTS

1. BILL NO. B-148 - ORDINANCE NO. 2005-154 - ADOPTING TEXT AMENDMENT NO. TA-05-03

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President Dages announced the time had arrived to consider the issue and opened the hearing. Planning & Development Director Yovino reviewed the issue, all as contained in the staff report as submitted, noted this also went to the Airport Land Use Commission and stated it conformed to the three airport plans, and recommended approval.

Speaking in support of the issue were: Mary Savala, League of Women Voters, who also stated they were looking forward to the comprehensive zoning ordinance update; Gloria Marshall, Planning Manager for D.R. Horton; and Jeff Roberts, Granville Homes.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-147 adopted as Ordinance No. 2005-154, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(10:20 A.M.) HEARING TO CONSIDER ADOPTION OF RESOLUTIONS DESIGNATING PROPERTIES TO THE LOCAL REGISTER OF HISTORIC RESOURCES

1. RESOLUTION NO. 2005-519 - DESIGNATING THE AMAZON S. HAYS HOME LOCATED AT 330 N. FULTON TO THE REGISTER

2. RESOLUTION NO. 2005-520 - DESIGNATING THE MARY MATSON HOME LOCATED AT 1440 E. DIVISADERO STREET TO THE REGISTER

President Dages announced the time had arrived to consider the issue and opened the hearing. **(4 - 0)** Historic Preservation Project Manager Hattersley-Drayton gave an in-depth PowerPoint review of the properties, all as contained in the staff report as submitted, and recommended approval.

Don Simmons, owner of the Mary Matson Home, spoke further to the home and in support of staff's recommendation.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Sterling made a motion to approve the designations and commended the owners for their great contributions to their neighborhoods and community. Councilmember Calhoun seconded the motion and also commended the homeowners.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-519 and 2005-520 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-05-48 AND ENVIRONMENTAL FINDINGS, FILED BY GENERATION HOMES, INC., NORTHEAST CORNER OF W. HERNDON AND N. SANTA FE AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-05-48/T-5555, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-152 - ORDINANCE NO. 2005-155 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/EA/UGM TO R-1/EA/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Fabino reviewed the issue,

all as contained in the staff report as submitted, noted reference was made to annexation in Section 4 of the ordinance bill and advised that would be removed and the ordinance bill corrected as the property was within the city boundary, and recommended approval.

Steve Allen, resident to the north of the site, expressed concerns with two-story homes being built and splitting of the cinder block wall, and questioned if there would be a separate fence and if the new residents will also have to pay the CFD tax.

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Upon call, no one else wished to be heard and President Dages closed the hearing.

Mr. Fabino, Planning Manager Unruh and Planning & Development Director Yovino responded to Mr. Allen's concerns and to questions/comments of President Dages and Councilmember Calhoun relative to the fence and wall, density issues/concerns, and complying with the general plan. A motion and second was made to approve staff's recommendation. Councilmember Boyajian stated this sounded like a good project but he could not support it as a comprehensive EIR for the area was needed and elaborated.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding of conformity hereby approved, and the above entitled Bill No. B-152 adopted as Ordinance No. 2005-155, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

(3:45 P.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-04-01, REZONE APPLICATION NO. R-04-03, AND ENVIRONMENTAL FINDINGS FILED BY THE STATE CENTER COMMUNITY COLLEGE DISTRICT AND CLOVIS UNIFIED SCHOOL DISTRICT, PROPERTY LOCATED ON THE E. INTERNATIONAL AVENUE ALIGNMENT BETWEEN N. WILLOW AND N. CHESTNUT AVENUES (Hearing continued earlier to January 10, 2006)

President Dages advised State Center Community College District officials would not be able to attend the meeting on January 10th and the matter needed to be continued to January 24th.

On motion of Councilmember Westerlund, seconded by Councilmember Boyajian, duly carried, RESOLVED, the 3:45 p.m. Hearing continued to January 24, 2006, at 3:45 p.m., by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(10:45 A.M.) HEARING ON PLAN AMENDMENT NO. A-04-33 AND ENVIRONMENTAL FINDINGS FILED BY COPPER RIVER RANCH, PROPERTY LOCATED WITH THE COPPER RIVER RANCH DEVELOPMENT GENERALLY BOUND BY E. COPPER, N. FRIANT ROAD AND N. WILLOW (AFFECTING OUTLOTS M, N, P AND Y AS APPROVED BY VESTING T.T. MAP NO. 5205)

1. RESOLUTION NO. 2005-521 - APPROVING P.A. A-04-33 AMENDING EXHIBIT 6 OF THE GENERAL PLAN, URBAN FORM COMPONENTS MAP, TO ADD A "MID RISE/HIGH RISE NODE" WITHIN THE COPPER RIVER RANCH PROJECT AREA, AND AMENDING POLICY C-3-c OF THE 2025 FRESNO GENERAL PLAN

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Sanchez reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Applicant representative Jeff Roberts, 1396 W. Herndon, stated he concurred with staff's recommendation and spoke further to the plan amendment and what it would allow for.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Duncan stated the general plan was working very well, expressed his support stating this project was a perfect

example of densities going up and not out, and made a motion to approve staff's recommendation.

Councilmember Boyajian stated he did not support Copper River originally because of the insufficient EIR and insufficiency of infrastructure fees they paid and spoke in opposition stating these projects hurt downtown and move downtown to the river and elaborated further on his concerns. Councilmember Calhoun expressed his support, stated this will allow for something in the near future that will be quite innovative, and encouraged council members to read a book called "Sprawl" stating not all sprawl was bad. Councilmember Boyajian stated he did read excerpts of the book, clarified his concern was the city being \$9 billion behind in infrastructure and these projects continuing

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to stretch the city's needs, and stated these growth projects would be fine if they paid their own way but his concern was for the inner city with all the major things going north. Councilmember Sterling spoke to some of the great projects that have come forth since she came on board and stated she felt the city was doing some good planned developments, stated Council needed to take control of what was already on the books, concurred city dollars were being stretch and stated a lot of creative planning would have to occur with upcoming projects, and added great things were in store for the west end of town and stated once the projects are presented Council will be happy with what they see.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding of a mitigated negative declaration for E.A. No. A-04-33 dated November 10, 2005, hereby approved; and the above entitled Resolution No. 2005-521 hereby adopted, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

(10:50 A.M.) TEFRA HEARING AS REQUIRED BY THE INTERNAL REVENUE CODE OF 1986 RELATING TO THE PROPOSED ISSUANCE OF REVENUE FUNDING AND REFUNDING BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) FOR THE PURPOSE OF FINANCING AND REFINANCING CONTINUING CARE FACILITIES INCLUDING A FACILITY COMMONLY KNOWN AS SAN JOAQUIN GARDENS

1. RESOLUTION NO. 2005-522 - APPROVING THE ISSUANCE OF REVENUE REFUNDING BONDS BY THE CSCDA IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$120 MILLION FOR THE BENEFIT OF AMERICAN BAPTIST HOMES OF THE WEST (FINANCING AND REFINANCING SAN JOAQUIN GARDENS)

President Dages announced the time had arrived to consider the issue and opened the hearing. Interim Finance Director/Controller Bradley reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2005-522 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(11:00 A.M.) CONTINUED HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S ACTION APPROVING CONDITIONAL USE PERMIT(CUP) NO. C-05-03 AND ENVIRONMENTAL FINDINGS FILED BY CRICKET COMMUNICATIONS, PROPERTY LOCATED ON THE NORTHWEST CORNER OF E. BELMONT AND N. GARDEN AVENUES

1. CONSIDER ENVIRONMENTAL ASSESSMENT NO. C-05-03, DETERMINATION OF A CATEGORICAL EXEMPTION FROM THE REQUIREMENTS OF CEQA

2. RESOLUTION - APPROVING CUP NO. C-05-03

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Fabino reviewed the issue,

all as contained in the staff report as submitted, and recommended approval.

Speaking in opposition to facility and monopole at the site citing aesthetics and the company not following the permit process were: Roger Hanke, 4736 E. Belmont; Stan Behren, property owner of 508 E. Garden; and Phillip Taylor, resident to the north of the site.

Alex Goetze of Cricket Communications and Fred Raymond from Cricket's corporate office spoke to their company, the project and need, site specific details, and the survey undertaken, displaying photographs of the monopole to illustrate.

Upon call, no one else wished to be heard and President Dages closed the hearing.

146-204

12/13/05

Councilmember Perea noted for the record receipt of a letter from St. Helen's school in opposition to the project and advised he wanted this hearing to get neighborhood input and to also get verification on whether there was activity on the site without proper permitting. Planning & Development Director Yovino stated some construction activity was done on the site, advised this was discussed at the planning commission hearing and Cricket was told they could not build anything without a permit and the city would not issue a permit until there was a conditional use permit, and added some people thought maybe permits were not needed. Councilmember Perea stated construction of the project began without permits being issued, he hated to send a message that it was okay to begin construction without going through the appropriate process, questioned if this has happened before or if this was an isolated incident, and made a motion to deny the CUP, which motion was seconded by Councilmember Sterling and later acted upon.

Extensive discussion ensued. Water System Manager Martin, City Manager Souza, Mr. Yovino, Mr. Raymond, Mr. Goetze, City Attorney Montoy, one of the neighborhood speakers, and Deputy City Attorney Phelan responded to questions and/or comments of Councilmembers Duncan, Boyajian and Westerlund relative to how activity got started on city property without a permit, how the company got a key, if staff is going to take care of the glitch in the process, what will happen if the CUP is denied, when the company's illegal promotional signs will be removed, number of facilities Cricket has on city property, if Cricket had alternative sites, options if this is denied (**6 - 0**), how much construction was done on the site, what the law was relative to aesthetics (with Ms. Montoy explaining the issue before Council, the law, findings to be made, and clarifying being unhappy that the process was not followed was not a permissible reason to deny and advised Council to focus on testimony and aesthetic blight concerns as that was a permissible basis to consider), the gap alluded to by Cricket and the dropped calls, if the neighbors felt the pole would be a blight to the area, if the company not having appropriate permits in and of itself was not sufficient reason to find against the CUP, and if there were other instances where Cricket began construction without proper approval.

Councilmember Calhoun stated many of these facilities have been approved in his district and the reality was no one really wants the poles in their neighborhoods, stated staff has been doing their best to place these on city property, stated denial of this project would open the flood gate for others to say they don't like them, and stated he could not support the motion on the basis of 2 or 3 people that don't like the pole and added he had not heard anything that rose to the level of this not being approved.

Councilmember Perea added to his motion the public's testimony and the finding of aesthetic blight, stated he was shocked that Council could not deny a CUP when a company does not follow the process set forth for approval and he felt that needed to be looked at so it does not happen again, and clarified a big part of denying was due to not following the appropriate permitting process as that was unfair to those who follow the process and take appropriate steps to become a good neighbor. Upon question of President Dages, Ms. Montoy confirmed the motion was to deny the CUP based on Finding #3 (aesthetic blight) and added this would be direction only and staff would bring back the official resolution of findings for adoption.

President Dages questioned if the applicant felt they were given the opportunity to be heard this date and Attorney Kevin Imes, counsel for Cricket Communications, stated Cricket's showing of a gap in their coverage entitled them to go forward and construct the site, stated this was the only appropriate site and was critical to the company, stated they were never given notice about the building permits but he was prepared to address that issue now or at a continued hearing, and clarified Cricket was here on a CUP issue only and they were trying to bring quality service to Fresno's citizens. President Dages stated his concerns were for the neighbors and aesthetics with Mr. Imes responding and speaking to how the company tried to address those concerns. Upon further question, Ms. Montoy clarified Mr. Imes asked for a continuance or a reopening of the hearing and brief discussion ensued.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, CUP No. C-05-03 hereby denied and staff to return next week with a Resolution of Findings (public testimony and aesthetic blight - Finding #3) for denial of the CUP, by the following vote:

Ayes : Duncan, Perea, Sterling, Dages
 Noes : Boyajian, Calhoun, Westerlund
 Absent : None

LUNCH RECESS - 12:57 P.M. - 2:06 P.M.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

146-205

12/13/05

(1-B) APPROVE THE FIRST AMENDMENT TO THE AGREEMENT WITH LEW AND PATNAUDE ARCHITECTS FOR ARCHITECTURAL SERVICES (DESIGN OF SEATING REPLACEMENT AT THE ARENA AND THEATER, PREPARATION OF ELECTRONIC TIFF FILES FOR CURRENT AND FUTURE USE OF THE CONVENTION CENTER PLANS, AND RENOVATION OF THE THEATER STAGE AND DRESSING ROOMS) AT THE CONVENTION CENTER COMPLEX

Design Services Manager Andersen reviewed the issue as contained in the staff report as submitted, and along with City Attorney Montoy responded to questions of Councilmember Westerlund relative to procedure, how professional services contracts under \$50,000 that begin without Council approval and then go to close to \$500,000 can be done, if the scope of work was included in the first contract, if all information requested on the list supplied by the City was received, if it would have been more reasonable to have a new agreement, and if the contract was reviewed by the city attorney's office. A motion and second was made to approve staff's recommendation.

Councilmember Calhoun expressed his concern stating the staff report was 1½ pages long and contained very limited information, stated the information provided was insufficient to make an intelligent decision, stated anything coming in at \$49,000 raised a flag and expressed concern that the firm who performed the review ended up with the contract, and stated this was not done well, it was being rushed because everyone wanted the work done **(7 - 0)**, and he felt the matter needed to be taken back and resubmitted, with Public Works Director Healey responding. Councilmember Boyajian stated he sees this all the time, questioned if other firms were solicited, if this firm was the lowest bidder, and who was on the selection committee (with Mr. Healey and Mr. Andersen responding), and stated the report should have included more information on the process, selection and criteria.

On motion of Councilmember Duncan, seconded by President Dages, duly carried, **RESOLVED**, an amendment to the agreement with Lew and Patnaude Architects in the amount of \$459,230.50 for the design of seating replacement at the Selland Arena and Theater, preparation of electronic TIFF files for current and future use of the Convention Center plans, and renovation of the Theater Stage and Dressing rooms at the Convention Center complex hereby approved, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Calhoun
 Absent : None

(1-A) APPROVE CONTRACT CHANGE ORDER NO. 5 FOR THE "NO NEIGHBORHOOD LEFT BEHIND" AND CONSTRUCTION OF NEIGHBORHOOD INFRASTRUCTURE, CONTRACT 2

Councilmember Sterling questioned what a change order meant as related to>NNLB and if this was a contract that was bid out, with Public Works Director Healey responding. Councilmember Westerlund called for a point of order and stated before anyone makes comments he felt there was a potential for litigation and he wanted this matter discussed in closed session explaining reasons therefor. Councilmember Sterling questioned if discussion could proceed or if it would open the City up to litigation, with City Attorney Montoy and Construction Manager Banuelos explaining issues. Councilmember Sterling made a motion to table the matter to after the first of the year and refer the matter back to staff so they could return with additional information and details.

Discussion ensued and Mr. Banuelos, Ms. Montoy, Assistant City Manger Ruiz and Councilmember Westerlund responded to numerous questions of Councilmember Sterling including who did the work, how this was allowed to happen, how the city crew completed their project, if the city provided oversight on the project, and how this got to the point of asking for more money. A motion and second was made to table the matter, a question arose relative to timing, the motion was withdrawn so staff could respond to the timing issue, and the motion was again made to table the matter.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, **RESOLVED**, Item 1-A tabled to

January 10, 2006, to allow staff to report back with additional information and details, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Calhoun
 Absent : None

RECESS - 3:08 P.M. - 3:20 P.M.

(1-C) APPROVE AN AMENDMENT TO THE AGREEMENT WITH OMNI-MEANS LTD., FOR ADDITIONAL CIVIL ENGINEERING SERVICES FOR THE DESIGN OF STREET IMPROVEMENTS AT THE BLACKSTONE/BULLARD INTERSECTION

146-206

12/13/05

Councilmember Calhoun expressed concern with cut backs to reduce the project's cost, stated he wanted to make sure this project was not being constructed cheaply, and questioned what was happening, if landscaping would be cut back, and if the project will be something to be proud of when completed, with Engineering Aide Hester responding **(8 - 0)**.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, an amendment to the agreement with Omni-Means Ltd., for \$64,843 for additional civil engineering services for the design of street improvements at the Blackstone/Bullard intersection hereby approved, and the City Manager or designee authorized to sign the amendment on behalf of the City, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(1-L) APPROVE ACQUISITION OF A VOICEPERMITS AND VOICEUTILITY INTERACTIVE CHOICE RESPONSE SYSTEM
1. RESOLUTION NO. 2005-523 - AUTHORIZING THE CHIEF INFORMATION OFFICER (CIO) TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH SELECTRON TECHNOLOGIES FOR THE SYSTEM WITHOUT COMPETITIVE BIDDING
2. AUTHORIZE THE CIO TO NEGOTIATE AND ENTER INTO A SUPPLEMENTAL AGREEMENT WITH SUBGARD HTE, INC. FOR LICENSED SOFTWARE PROGRAMS TO INTERFACE WITH THE SYSTEM

Councilmember Calhoun spoke to the HTE system and the One Call Center and stated he wanted to ensure this system was compatible with other communication systems, with Chief Information Officer (CIO) Hendricks clarifying this system was for the utility bill and permits system and not the One Call Center. Councilmember Calhoun stated he thought this item was tied into item 1-T (the One Call Center), Mr. Hendricks explained what the system would provide for, and Councilmember Calhoun made a motion to approve.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-523 hereby adopted, and the CIO authorized to negotiate and enter into the supplemental agreement, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(1-T) ADOPTION OF RESOLUTIONS RELATING TO THE CUSTOMER SERVICE CENTER (ONE CALL CENTER)
1. RESOLUTION NO. 2005-524 - 14TH AMENDMENT TO SALARY RES. 2005-290 ADDING FOUR (4) CLASSIFICATIONS
2. RESOLUTION NO. 2005-525 - 15TH AMENDMENT TO PAR 2005-287 MOVING FIVE (5) VACANT POSITIONS FROM THE ZOO TO THE CUSTOMER SERVICE CENTER DIVISION
3. RESOLUTION NO. 2005-526 - 42 AMENDMENT TO AAR 2005-286 APPROPRIATING \$100,000 FOR STAFFING OF THE CENTER

Councilmember Calhoun stated this was a wonderful thing and quite a while in coming, and upon his request Chief Information Officer Hendricks and Management Analyst Zieba explained what the system would do and what services would be provided to the public. A motion and second was made to approve staff's recommendation. Councilmember Duncan thanked the team for all their work stating this was a long time coming and added it would be a revolution in the way citizens interact with city government.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-524, 2005-525 and 2005-526 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(1-W) APPROVE CITY COUNCIL MEETING SCHEDULE FOR THE YEAR 2006

Councilmember Calhoun questioned why no meeting was scheduled for November 28, 2006, noting if the schedule stays as is there would only be one meeting in November, with City Clerk Klisch and Councilmember Duncan responding. A motion and second was made to meet on November 28th unless some overriding reason to not meet arises.

146-207

12/13/05

City Manager Souza suggested Council meet on November 21st and not November 28th for a better flow stating history has shown there were problems meeting on the Tuesday after Thanksgiving. Councilmember Boyajian stated the schedule should stay as is and Council can deal with the November meetings in November if necessary.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the City Council meeting schedule for 2006 hereby approved, as amended, adding a meeting on November 28, 2006, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : None

(3:00 P.M.) HEARING ON REZONE APPLICATION NO. R-05-29 AND ENVIRONMENTAL FINDINGS, FILED BY PLEASANT VALLEY INVESTMENT, LLC, PROPERTY LOCATED ON THE WEST SIDE OF S. MINNEWAWA BETWEEN E. CALIFORNIA AVENUE ALIGNMENT AND E. CHURCH AVENUE

1. CONSIDER AND ADOPT E.A. NO. R-05-29/T-551, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-153 - ORDINANCE NO. 2005-156 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-A/R-M/UGM TO R-1/UGM AND R-1-A/R-M/UGM, WITH ADDED CONDITION

President Dages announced the time had arrived to consider the issue and opened the hearing. City Attorney Montoy advised she resides on Minnewawa and recused herself from the proceedings.

Planner Braun reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Applicant representative Chris Williams thanked President Dages and staff for their assistance and requested support.

Upon call, no one else wished to be heard and President Dages closed the hearing.

President Dages advised additional requests were made neighbors and presented questions relative to the seven lots on Minnewawa, if curb, gutter and sidewalk changes would be made, and if a condition could be added that the seven properties have half-circle driveways, with Mr. Braun and Mr. Williams responding.

On motion of President Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-29/T-5511 dated October 26, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-153 rezoning the subject property adopted as Ordinance No. 2005-156, conditioned upon the seven homes on Minnewawa having half-circle driveways, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : None

(3:15 P.M.) HEARING ON REZONE APPLICATION NO. R-05-43, APPEAL OF VESTING TENTATIVE TRACT MAP NO. 5456/UGM, AND ENVIRONMENTAL FINDINGS FILED BY PROVOST AND PRITCHARD ENGINEERING ON BEHALF OF

LAGUNA LAKESIDE, LLC, PROPERTY LOCATED ON THE NORTHEAST CORNER OF W. MADISON AND S. VALENTINE AVENUES

- 1. CONSIDER AND ADOPT E.A. NO. R-05-43/T-5456, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
- 2. RESOLUTION - DENYING THE APPEAL AND APPROVING VESTING T.T. MAP NO. 5456/UGM WHICH PROPOSES TO SUBDIVIDE THE PROPERTY INTO A 214-LOT SINGLE FAMILY SUBDIVISION AND A 4.25 ACRE REMAINDER PARCEL
- 3. RESOLUTION - APPROVING THE APPEAL AND DENYING VESTING T.T. MAP NO. 5456/UGM
- 4. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AL-20 TO R-1/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planning & Development Director Yovino advised this was the first of several new subdivisions proximate to the Running Horse project and was a major step forward in implementing the general plan and for new growth in southwest Fresno in an area with good access due to Freeway 180.

146-208

12/13/05

Project Manager Barnes reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Applicant representative Dirk Poeschel, 923 Van Ness, stated this was an exciting project for west Fresno, elaborated on the project, submitted written material into the record, on file in the office of the city clerk, advised some neighbors were concerned with project density but stated they felt the protests had no merit and explained, and requested approval.

Speaking in opposition to the project citing high density, impact on the rural agricultural atmosphere, school impacts, water hook-up concerns, and/or restrictions placed on farming were: Bob Mitchell, 3349 W. Madison (9 - 0); Charles Francis, 190 S. Valentine; Dennis Major, 184 S. Valentine; Patricia Scelzer, 3201 W. Whitesbridge; William Phillips, Madison & Brawley; and Madeline Johnston, 3333 W. Madison.

Craig Neggler, property owner, 8483 Douglas Plaza Dr., Suite 110, Granite Bay, CA, spoke to the process they went through as advised, meetings held with groups, RDA staff and the planning commission, discussions/meeting with neighborhood residents, open space being the only concern expressed and their efforts to address that concern, and urbanization of the area being a reality and them complying with the general plan and making a large investment.

Continued speakers in opposition were: Victor Macias, 3162 W. Madison; Robert Mitchell, Jr., 3349 W. Madison; and Keith Gooch, 2046 W. California.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

Councilmember Sterling stated she advised the developer to contact the Edison Merger Group when she was first approached, advised after meetings she heard back from the group that one of their significant concerns was not enough open space, stated the developer addressed that concern and she was now hearing for the first time density concerns and those concern had never been brought to her attention by the advisory group, and requested Mr. Poeschel go through the process further and meet again with neighbors to try to address all concerns expressed by speakers this date, with Mr. Mitchell and Mr. Poeschel responding and speaking further to the issue.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the matter tabled to January 10, 2006, to allow for a meeting between the developer and neighbors to address concerns, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes : Calhoun
Absent : None

(4:00 P.M.) HEARING ON REZONE APPLICATION NO. R-04-93 AND ENVIRONMENTAL FINDINGS, FILED BY PATRIOT HOMES, PROPERTY LOCATED ON THE NORTHWEST CORNER OF N. JOSEPHINE AND N. RIVERSIDE COUNTRY CLUB DRIVE, SOUTH OF THE SAN JOAQUIN RIVER BLUFF

- 1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-04-93/T-5358/C-04-246
- 2. BILL NO. B-154 - ORDINANCE NO. 2005-157 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/BP/UGM AND AE-20/UGM TO R-1/BP/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Stan Harber, Engineer representing the developer, stated he concurred with staff's recommendation and conditions of approval.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Calhoun spoke to the history of this application, to the challenges and to how this had been a tricky issue, and to the need to protect the river, stated this was an opportunity to complete another stretch of the trail for public access to the river **(10 - 0)** and he believed this was being done right, upon his question Mr. Rodriguez confirmed the Parkway Trust had no objections to this project and were satisfied, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Perea.

146-209

12/13/05

Mr. Rodriguez, Councilmember Calhoun and Planning Manager Haro responded to questions/comments of Councilmembers Duncan and Boyajian relative to number of units per acre and if that amount was typical for R-1, lot sizes, importance of preserving the general plan and its principals, if this action would bring the zoning into conformity, if a tennis club was going to be built in the area, what impact fees the developer would pay, the congestion of Herndon Avenue and the area, and signalization.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding of a mitigated negative declaration for E.A. No. R-04-93/T-5358/C-04-246 dated August 10, 2005, hereby approved, and the above entitled Bill No. B-154 rezoning the subject site adopted as Ordinance No. 2005-157, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

(4:10 P.M.) HEARING ON REZONE APPLICATION NO. R-05-31 AND ENVIRONMENTAL FINDING FILED BY PLEASANT VALLEY INVESTMENTS, INC., PROPERTY LOCATED ON THE NORTH SIDE OF E. CHURCH BETWEEN S. CHESTNUT AND S. WILLOW AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-05-31/T-5508/C-05-107, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL NO. B-155 - ORDINANCE NO. 2005-158 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO R-1/UGM, with an added condition on Lots 2 through 6

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez reviewed the issue, all as contained in the staff report as submitted, advised of a condition that arose last Friday that lots 2 through 6 would be single story with a 6' masonry wall and advised the applicant agreed to that condition, and recommended approval with the condition. Councilmember Duncan briefly left the meeting at 5:14 p.m.

Applicant representative Chris Williams stated he was supportive of staff's recommendation and condition.

Upon call, no one else wished to be heard and President Dages closed the hearing.

President Dages advised he met with the applicant, stated this was a great in-fill project and the park and gated community made it even better, and made a motion to approve staff's recommendation.

On motion of President Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-31/t-5508/C-05-107, dated November 10, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-155 rezoning the subject site adopted as Ordinance No. 2005-158, conditioned upon Lots 2 through 6 being single-story with a 6' masonry wall, by the following vote:

Ayes :	Boyajian, Calhoun, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	Duncan

(4:15 P.M.) PALM LAKES MUNICIPAL GOLF COURSE

1. REJECT PROPOSAL FOR CONCESSION TO OPERATE AND MANAGE THE GOLF COURSE

2. APPROVE STAFF RECOMMENDATION TO CLOSE PALM LAKES MUNICIPAL GOLF COURSE EFFECTIVE JANUARY 1, 2006

Councilmember Westerlund gave an in-depth overview of the issue, all as contained in the staff report as submitted, and thanked Council for allowing him the time to try to find a solution. Parks and Recreation Director Cooper commended Councilmember Westerlund for all the time and energy he put into the matter and spoke briefly to the issue stating there was no way that the course make the extra money

it needed to survive and added it was unfortunate the golf course was allowed to get into this condition.

146-210

12/13/05

Speaking to the issue were bid proposer Steve Roseth who addressed comments made relative to his lack of experience, stated the community loved the course and advised he would have stopped the city subsidy and made the course playable, acknowledged there was some risk in every business but he felt someone needed to wrap their arms around the course, and stated he was dismayed his proposal was dismissed and requested the city look closely at it adding it would not cost the city anything; and proposer team member Tommy Nix, 644 E. Pintail Circle, who spoke to his background and experience and to how he and Mr. Roseth responded to the RFP appropriately.

Lengthy discussion ensued. Mr. Nix and Mr. Cooper responded to numerous questions of Councilmember Westerlund relative to whether Mr. Nix had ever played the course, if he knew the operators prior to CourseCo, if the fairways were regulation size, screening and safety concerns for the condo residents, if the course would be maintained as green open space if the golf course is closed, and vandalism concerns and security measures. Councilmember Westerlund stated the course was an asset to the city and it was discouraging that it was allowed to reach its current condition and made a motion to approve staff's recommendations, which motion was seconded by Councilmember Duncan.

City Manager Souza, Budget Analyst Melikian, City Attorney, Mr. Cooper, Mr. Roseth and a CourseCo representative responded to questions, comments and/or concerns of Councilmembers Calhoun, Duncan, Boyajian and Westerlund relative to how the \$80,000 in unpaid bills will be addressed, how the maintenance by parks employees will be paid for if the course is closed, concern with using golf enterprise funds to pay for maintenance as it will no longer be a golf course and will take funds away from other courses, request for an opinion from the city attorney on the legality of using enterprise funds to cover maintenance (**11 - 0**), appreciation of the evaluation committee's golf course operational expertise, amount of capital expenditure required to bring the course back up to an adequate condition, the economics not working for Palm Lakes, if closing Palm Lakes will result in a healthier Riverside, what Mr. Roseth's proposal was, how much money he intended to invest in the first two years, how he planned to turn the course around, what the green fee charge would be, what the liability would be to the city if the contract is awarded, how long CourseCo has operated Palm Lakes, if the course was less than championship, what the green fees were, competition from other courses, what the cost would be to bring the course up to a playable standard, need to close the course, and if staff was could assure funding will be located for maintenance. Councilmember Perea left the meeting during discussion and was absent for the remainder of the meeting.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the proposal for concession to operate and manage Palm Lakes Golf Course hereby rejected and staff's recommendation to close the golf course effective January 1, 2006, hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Sterling, Westerlund
Noes :	Dages
Absent :	Perea

City Clerk Klisch noted Councilmember Perea had to leave before the vote but he advised her he would have voted against closing the golf course if he had been present.

(2:00 P.M. #2) **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:**

- ("A") EXISTING LITIGATION - CASE NAMES:
- 1. COF V. WAYNE ENGINEERING CORPORATION, ARATA EQUIPMENT COMPANY, CENTRAL VALLEY TRUCK CENTER AND LEACH COMPANY, AND DOES 1 THROUGH 25
 - 2. STATIONARY ENGINEERS, LOCAL 39 V. COF, AND COF V. STATIONARY ENGINEERS, LOCAL 39

("B") ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: CLAIM OF COUNTY OF FRESNO

("C") DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: COF V. THE DISCOVERY CENTER

The City Council met in closed session in Room 2125 at the hour of 6:15 p.m. to consider the above matters and reconvened in regular open session at 7:10 p.m.

CLOSED SESSION ANNOUNCEMENT:

146-211

12/13/05

City Attorney Montoy announced in the matter of Item "B", Claim of County of Fresno, the Council voted to deny the claim on a vote of 5-0-2 with Councilmember Perea and President Dages absent, and staff was directed to undertake resolution discussions with Fresno County.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 7:12 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

Approved on the 20th day of December, 2005.

/s/
Mike Dages, Council President

ATTEST: /s/
Yolanda Salazar, Assistant City Clerk

146-212

12/13/05